

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

12

DECISION

TOPIC

**Adopted and Filed Emergency – Chapter 50 - Water Use & Allocation
Permit Fees - Scope of Division—Definitions—
Forms—Rules of Practice**

The Commission is asked to approve the Adopted and Filed Emergency rulemaking to amend Chapter 50: Scope of Division – Definitions – Forms – Rules of Practice of the Iowa Administrative Code. The amendment being proposed would rescind the \$25 water use and allocation permit application fee.

The department is in the process of developing rules for the water use and allocation permitting program as a result of the passage of enrolled House File 2672, of the Eighty-second General Assembly. Those rules will go through the routine Notice of Intended Action process, including public participation.

This emergency rulemaking is to eliminate the \$25 permit application fee while the new rules are being drafted, and to do so by having the amendment become effective upon filing.

Charles C. Corell
Chief, Water Quality Bureau
Environmental Services Division

July 14, 2008

ENVIRONMENTAL PROTECTION COMMISSION
Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.260 through 455B.274, the Environmental Protection Commission (hereafter called the Commission) hereby amends Chapter 50, "Scope of Division – Definitions – Forms – Rules of Practice" of the Iowa Administrative Code.

The purpose of this amendment is to rescind 567 – subrule 50.4(2), which is the \$25 application fee for the water use and allocation permits. In compliance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are unnecessary because the application fee is rescinded with no other effect on the permitting rules.

The department is in the process of developing rules for the water use and allocation permitting program as a result of the passage of enrolled House File 2672, of the Eighty-second General Assembly. Those rules will go through the routine Notice of Intended Action process, including public participation. This emergency rulemaking is to eliminate the \$25 permit application fee while the new rules are being drafted.

The Commission also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and this amendment should be made effective upon filing, as it confers a benefit on anyone who applies for a permit.

The Commission adopted this amendment on August 12, 2008 (EPC August meeting date).

This amendment will become effective on August 20, 2008 (first filing date following EPC's August meeting).

This amendment is intended to implement Iowa Code section 455B.105 and 455B.173.

The following amendment is adopted.

Item 1. Rescind and reserve 567-subrule 50.4(2).